



REPUBLIC OF KENYA
TWELFTH PARLIAMENT – (THIRD SESSION)
THE NATIONAL ASSEMBLY
ORDERS OF THE DAY
THURSDAY, DECEMBER 05, 2019 AT 2.30 P.M.

ORDER OF BUSINESS

PRAYERS

1. Administration of Oath
2. Communication from the Chair
3. Messages
4. Petitions
5. Papers
6. Notices of Motion
7. Questions and Statements

- 8*. MOTION - REPORT ON EXAMINATION OF THE FINANCIAL STATEMENTS FOR THE NATIONAL GOVERNMENT FOR THE FINANCIAL YEAR 2016/2017**
 (The Chairperson, Public Accounts Committee)

THAT, this House **adopts** the Report of the Public Accounts Committee on its examination of the Report of the Auditor General on the Financial Statements for the National Government for the Financial Year 2016/2017, *laid on the Table of the House on Wednesday, November 27, 2019.*

(Question to be put)

- 9*. COMMITTEE OF THE WHOLE HOUSE**

The Kenya Roads Board (Amendment) Bill (National Bill No. 77 of 2019)
 (The Leader of the Majority Party)

- 10*. MOTION - RATIFICATION OF THE MULTILATERAL CONVENTION ON MUTUAL ADMINISTRATIVE ASSISTANCE IN TAX MATTERS**

(The Chairperson, Departmental Committee on Defence & Foreign Relations)

THAT, this House **adopts** the Report of the Departmental Committee on Defence and Foreign Relations on its consideration of the Multilateral Convention on Mutual Administrative Assistance on Tax Matters for Ratification, *laid on the Table of the House on Wednesday, December 4, 2019*, and pursuant to section 8 of the Treaty Making and Ratification Act, 2012 **approves** the Ratification of the Multilateral Convention on Mutual Administrative Assistance on Tax Matters.

11*. MOTION – APPROVAL OF NOMINEES TO THE SPECIFIED COMMITTEES OF THE NATIONAL GOVERNMENT CONSTITUENCY DEVELOPMENT FUND

(The Chairperson, Select Committee on National Government Constituency Development Fund)

THAT, pursuant to the provisions of section 43(4) and (10) of the National Government Constituency Development Fund Act, 2015 and paragraphs 5(2) and (10) of the National Government Constituency Development Fund Regulations, 2016, this House **approves** the list of nominees for appointment to the Committees of the National Government Constituency Development Fund for Baringo South and North Imenti Constituencies, *laid on the Table of the House on Tuesday, December 3, and Wednesday, December 4, 2019, respectively: –*

(a) BARINGO SOUTH CONSTITUENCY

- (i) Samuel Kiprotich Bungei - Male Adult Representative
- (ii) Geoffrey Kipkebut Kosgei - Male Youth Representative
- (iii) Zakia Jemuge Kiptuisang - Female Youth Representative
- (iv) Hellen Cheptoo - Female Adult Representative
- (v) Christine Jepkemoi Kandie - Representative of Persons Living with Disability
- (vi) Eunice Tarkok Kiprotich - Nominee of the Constituency Office (Female)
- (vii) Justine Kiprono Chebii - Nominee of the Constituency Office (Male)

(b) NORTH IMENTI CONSTITUENCY

- (i) Hadija Makena Mohamed - Female Youth Representative
- (ii) Jacob Kithinji Manyara - Nominee of the Constituency Office (Male)

12*. MOTION - REPORT ON THE INQUIRY INTO THE SAFETY OF FERRIES

(The Chairperson, Public Investments Committee)

THAT, this House **adopts** the Report of the Public Investments Committee on its Inquiry into the Safety of Ferries as observed in the Audited Accounts of Kenya Ferry Services for the Financial Year 2016/2017, *laid on the Table of the House on Tuesday, December 3, 2019.*

(Resumption of debate interrupted on Wednesday, December 4, 2019 – Afternoon Sitting)

...../13)

13*. THE TEA BILL (SENATE BILL NO. 36 OF 2018)

(The Chairperson, Departmental Committee on Agriculture & Livestock)

Second Reading

14*. THE IMPEACHMENT PROCEDURE BILL (SENATE BILL NO. 15 OF 2018)

(The Chairperson, Departmental Committee on Justice & Legal Affairs)

Second Reading

15*. THE PARLIAMENTARY PENSIONS (AMENDMENT) (No.3) BILL (NATIONAL ASSEMBLY BILL NO. 57 OF 2019)

(The Chairperson, Parliamentary Pensions Management Committee)

Second Reading

16*. MOTION - REPORT ON THE IMPLEMENTATION STATUS OF THE RESOLUTION OF THE HOUSE ON CONDITIONAL APPROVAL OF A NOMINEE FOR APPOINTMENT AS AN AMBASSADOR

(The Chairperson, Committee on Implementation)

THAT, taking into consideration the findings of the Select Committee on Implementation on its Report on *Examination of the Implementation Status of the Resolution of the House of 6th June, 2019 regarding the conditional Approval of Ms. Mwende Mwinzi for Appointment as Ambassador of Kenya to Seoul, South Korea, laid on the Table of the House on November 27, 2019*, which takes cognizance of the determination of the High Court of Kenya of 14th November, 2019, (*Nairobi Constitutional Petition No. 367 of 2019*) particularly paragraphs 104 and 105 that, while Ms. Mwende Mwinzi **cannot be coerced** to renounce her citizenship of the United States of America (USA), a person holding dual citizenship **ought not** be an ambassador unless the person renounces the citizenship of the foreign state as *dual citizenship may jeopardize the national interest of the Republic of Kenya against the interest of the foreign state*; this House **rejects** the appointment of Ms. Mwende Mwinzi as an Ambassador.

*** Denotes Orders of the Day**

...../Notices

NOTICES

I. THE KENYA ROADS BOARD (AMENDMENT) BILL (NATIONAL ASSEMBLY BILLS NO.77) OF 2019)

Notice is given that the Chairperson of the Departmental Committee on Transport, Public Works and Housing intends to move the following amendments to the Kenya Roads Board (Amendment) Bill, 2019 at the Committee Stage—

CLAUSE 1

THAT, Clause 1 of the Bill be amended by inserting the words “and shall come into force upon assent” immediately after the expression “2019”.

CLAUSE 3

THAT, Clause 3 of the Bill be amended by deleting the proposed new subsection (6) and substituting the following new subsections—

“(6) Every annual roads programme funded out of any monies whether borrowed or appropriated by the National Assembly shall be managed as approved by the National Assembly.

(7) The Board shall manage the annual roads programme under sub-section (6) under the directions of the Cabinet Secretary.”

CLAUSE 4

THAT, Clause 4 of the Bill be deleted and substituted therefor the following new clause-

4. Section 31 of the principal Act is amended –

(a) in subsection (2) by inserting the following new paragraph immediately after paragraph (d)-

(e) such monies as may be appropriated by the National Assembly for the development, maintenance and rehabilitation of roads;

(b) by inserting the following new subsection immediately after subsection (2)–

“(2A) The National Assembly shall ensure that–

(a) not more than ten percent of the monies appropriated under subsection (2)(e) are allocated for maintenance of roads to be administered by the Kenya Rural Roads Authority; and

(b) not more than eighteen percent of the monies appropriated under paragraph (a) are allocated for research and standardization, capacity building and monitoring and evaluation, to be administered by the Principal Secretary responsible for matters relating to roads.”

THAT, Clause 5 of the Bill be amended in the proposed new section 32A–

- (a) in sub-clause (1), by inserting the expression “(1)” immediately after the expression 32A;
 - (b) in sub-clause (2), by deleting the words “road development, rehabilitation and maintenance” and substituting therefor the words “maintenance, development and rehabilitation of roads” appearing immediately after the words “demand for”;
 - (c) by deleting sub-clause (3) and substituting therefor the following new sub clause–
“(3) The Cabinet Secretary shall make regulations for the better carrying out of this section.”
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The House resolved on Wednesday, February 13, 2019 as follows:-

- II. THAT**, notwithstanding the provisions of Standing Order 97(4), each speech in a debate on any **Motion**, including a Special motion shall be limited in the following manner:- A maximum of three hours with not more than twenty (20) minutes for the Mover and ten (10) minutes for each other Member speaking, except the Leader of the Majority Party and the Leader of the Minority Party, who shall be limited to a maximum of fifteen (15) minutes each, and that ten (10) minutes before the expiry of the time, the Mover shall be called upon to reply; and that priority in speaking shall be accorded to the Leader of the Majority Party, the Leader of the Minority Party and the Chairperson of the relevant Departmental Committee, in that order.
 - III. THAT**, notwithstanding the provisions of Standing Order 97(4), each speech in a debate on **Bills sponsored by a Committee, the Leader of the Majority Party or the Leader of the Minority Party** shall be limited as follows:- A maximum of forty five (45) minutes for the Mover, in moving and fifteen minutes (15) in replying, a maximum of thirty (30) minutes for the Chairperson of the relevant Committee (if the Bill is not sponsored by the relevant Committee), and a maximum of ten (10) minutes for any other Member speaking, except the Leader of the Majority Party and the Leader of the Minority Party, who shall be limited to a maximum of fifteen Minutes (15) each (if the Bill is not sponsored by either of them); and that priority in speaking shall be accorded to the Leader of the Majority Party, the Leader of the Minority Party and the Chairperson of the relevant Departmental Committee, in that order.
 - IV. THAT**, notwithstanding the provisions of Standing Order 97(4), each speech in debate on **Reports of Committees**, including a Report of a Joint Committee of the Houses of Parliament or any other Report submitted to the House for which limitation of time has not been specified, shall be limited as follows:- A maximum of sixty (60) minutes for the Mover in moving and thirty (30) minutes in replying, and a maximum of ten (10) minutes for any other Member speaking, except the Leader of the Majority Party and the Leader of the Minority Party, who shall be limited to a maximum of fifteen (15) minutes each; and that priority shall be accorded to the Leader of the Majority Party and the Leader of the Minority Party, in that order.
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...../Notices* (cont'd)

ADJOURNMENT

V. NOTIFICATION OF RECESS (DECEMBER 06, 2019 - FEBRUARY 10, 2020)

Pursuant to the provisions of Standing Order 28(3) relating to *Calendar of the Assembly*, and the resolution of the House of Tuesday, March 26, 2019, the Speaker notifies that upon rise of the House today at the appointed time, regular sittings will resume on **Tuesday, February 11, 2020 at 2:30 p.m.**

(Thereafter, the House to adjourn without question put)

...../Appendix

A P P E N D I X

ORDER NO.7 - QUESTIONS

Pursuant to the provisions of Standing Order 42A (5) the following Members will ask **questions** for reply before the specified Departmental Committees:-

Question No. **ORDINARY QUESTIONS**

529/2019 **The Member for West Pokot County (Hon. Lilian Tomitom, MP, to ask the Cabinet Secretary for Public Service, Youth and Gender Affairs:**

- (i) Could the Cabinet Secretary explain the role of Non-Governmental Organisations operating in West Pokot, Samburu, and Narok Counties in addressing Female Genital Mutilation?
- (ii) Could the Cabinet Secretary explain the measures being put in place to curb Female Genital Mutilation in the said counties which are attributable to the Ministry's own initiative or in collaboration with the Non-Governmental Organisations?
- (iii) What linkages, collaboration and support systems has the Ministry established with the Non-Governmental Organisations in addressing Female Genital Mutilation in the said counties?

(To be replied before the Departmental Committee on Labour and Social Welfare)

530/2019 **The Member for Tiaty (Hon. William Kamket, MP) to ask the Cabinet Secretary for Interior and Coordination of National Government: -**

- (i) Could the Cabinet Secretary explain the circumstances that led to the indefinite closure of the *Kapedo* National Police Reservist's Camp in Tiaty Constituency?
- (ii) What urgent steps is the Ministry taking to ensure the camp is reopened and police reservists recalled for enhancement of security in the area?
- (iii) Could the Cabinet Secretary explain why the reservists have not been incorporated into the National Police Service, and the measures in place for coordination of operations between the police and reservists?

(To be replied before the Departmental Committee on Administration and National Security)

531/2019 **The Nominated Member (Hon. Cecily Mbarire, MP) to ask the Cabinet Secretary for Industrialization, Trade and**

Cooperatives: -

- (i) Could the Cabinet Secretary provide the list and number of companies that have closed operations in Kenya and re-located to other countries over the last six years and the number of jobs lost as a result of such re-location?
- (ii) What led to the companies relocating to other countries and what has been the economic impact to the economy?
- (iii) What measures has the Government taken to mitigate against this trend?

(To be replied before the Departmental Committee on Trade, Industry and Cooperatives)
